

The City of Daphne  
Planning Commission Minutes  
Regular Meeting of March 26, 2020  
Council Chamber, City Hall - 5:00 P.M.

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Call to Order:

Chairman called the regular meeting of the City of Daphne Planning Commission to order at 5:02 p.m. The number of members present constitutes a quorum.

Call of Roll:

Members Present:

Bo Tucker  
Andrew Prescott, Vice Chairman  
William "BJ" Eringman, Deputy Public Works Director  
Hudson Sandefur  
Marybeth Bergin, Chairman  
Ed Kirby

Staff Present:

Adrienne Jones, Director of Community Development  
Jan Vallecillo, Planning Coordinator  
Patrick Dungan, Attorney  
Troy Strunk, Executive Director, City Development

The first order of business is the approval of the minutes.

Chairman asked for questions, comments or corrections to the minutes *of the regular meeting of February 27, 2020. There being none, minutes are approved as submitted.*

The next order of business is site plan review for Whataburger.

An introductory presentation was given by Adrienne Jones, Director of Community Development, on behalf of the agent, Matt Sims, requesting site plan review for a restaurant with associated parking, drainage, and landscaping located southwest of Dimitrois Avenue and Alabama Highway 181. She advised that plan revisions presented address public works concerns and comments made at site preview.

Chairman asked for Commission questions or comments. Mr. Kirby expressed concern about public access through the property to Alabama Highway 181.

Chairman stated that a stop sign will be installed on Alabama Highway 181. Ms. Jones concurred with the revision to the plans, but advised that any further modification would require the approval of ALDOT. Mr. Eringman clarified that the sign will be located on their property, not the right-of-way.

Chairman asked for Commission questions or comments and a motion.

A **Motion** was made by Mr. Kirby and **Seconded** by Mr. Prescott **to approve Whataburger site plan. There was no discussion on the motion. The Motion carried unanimously.**

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The next order of business is preliminary/final plat review for M.E. Smith Subdivision.

An introductory presentation was given by Charles Smith, representative of M.E. Smith, requesting preliminary/final review of a three-lot subdivision consisting of five-point five-nine acres located at the southwest corner of Whispering Pines Road and Pollard Road.

Chairman stated the applicant proposes to divide a five-acre parcel containing a residence into three-lots. She advised that a note was added to the plat stating that access shall be along Whispering Pines Road to address a concern expressed about the ingress and egress to Lot 1.

Chairman opened the floor to public participation. No one came forth. She closed public participation.

Chairman asked for Commission questions or comments and a motion.

**A Motion** was made by Mr. Prescott and **Seconded** by Mr. Sandefur **to approve M.E. Smith Subdivision preliminary/final plat. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is preliminary/final plat review for Parks' Subdivision.

An introductory presentation was given by Larry Smith, representative of S.E. Civil, requesting preliminary/final plat review of a three-lot subdivision consisting of three-point three-seven acres located southeast corner of Belgrove Avenue and Alabama Highway 181, zoned for residential and commercial development. He stated the subdivision plat was approved at the time of annexation into the city, and has since expired. The revisions made to the plat reflect the current zoning designations.

Chairman asked for Commission questions or comments.

Chairman opened the floor to public participation. No one came forth. She closed public participation and asked for a motion.

**A Motion** was made by Mr. Kirby and **Seconded** by Mr. Sandefur **to approve Parks' Subdivision preliminary/final plat. There was no discussion on the motion. The Motion carried unanimously.**

The next order of business is a rezoning request for Zeolia Dale c/o Velma Jackson.

An introductory presentation was given by Larry Smith, representative of S.E. Civil, requesting the rezoning of a twenty-point seven-two-acre parcel located at the northeast corner of Dale Road and U.S. Highway 98 to PUD, Planned Unit Development. He presented an overview of the PUD General Plan for the senior citizen community consisting of approximately one hundred and seventy units which consists of independent living, dependent living, villas, and single-family units; or, a with a mixture of duplexes, triplexes and patio homes.

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Mr. Smith stated it is an all-inclusive resort style community for assisted and independent senior citizens to encourage an active lifestyle including dining, amenities, dog park, walking paths, as well as, a multi-use path along U.S. Highway 98. He also stated this is a multi-phased development. The infrastructure will be constructed in the first phase of the development along with the improvement of Dale Road as required by the traffic impact study. He expressed gratitude that the Planning Commission has made it possible to conduct business in spite of the Covid-19 pandemic.

Chairman opened the floor to public participation.

Dorothy Williams, 120 Valrie Lane, expressed concern about noncompliance of the noise ordinance and buffer requirements during the construction of Colonnade Apartments, and asked about buffer requirements where this development abuts the residential property on Valrie Lane and Brown Lane.

In response, Mr. Smith responded there is a fifteen-foot landscape buffer against all adjacent properties and a twelve-foot buffer along Dale Road.

With regard to the PUD process, Chairman explained that upon rezoning of the property by the City Council, the applicant will submit a master plan and site plan to the Commission for review, and a sign will be posted on the property. She noted that the perimeter setback prevents the development from being any closer than forty-feet to your property line.

Chairman asked for Commission questions or comments. She closed public participation.

Mr. Kirby asked if this a gated community. Mr. Smith responded yes.

Chairman asked for a motion.

**A Motion was made by Mr. Kirby and *Seconded* by Mr. Prescott to set forth a favorable recommendation to rezone the Zeolia Dale property from B-2, General Business, to PUD, Planned Unit Development. There was no discussion on the motion. The Motion carried unanimously.**

An introductory presentation was given by Sean Travis, Eastern Shore Street Eats, of a mobile food catering establishment i.e., a food truck, to be located east of 704 Belrose Avenue, to be removed on a daily basis. He advised that the food truck will be parked on the front of Lot A, with parking in the rear, and access to Belrose Avenue.

Chairman stated that the food truck requires Planning Commission approval for issuance of a business license as a temporary vendor for six months to be placed on vacant commercial lot. She advised that there are no improvements to the lot and that the food truck will be removed daily.

Chairman asked for Commission questions or comments and for a motion.

Commissioners discussed hours of operation, presentation of a site plan, and removal of the truck on a daily basis.

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Mr. Kirby asked about the requirement of a landscape buffer on the western property line. Ms. Jones responded that is a staff recommendation.

A Motion was made by Mr. Kirby and **Seconded** by Ms. Bergin *to approve Eastern Shore Street Eats i.e., a food truck, for a period of six months, March 26, 2020 to September 26, 2020, for a trial period with the following conditions: the hours of operation shall be from 10 a.m. to 2:30 p.m.; prior to commencement of the business, a sketch plan with the site layout shall be provided to and approved by Community Development; a landscape buffer along the western property line shall be approved by Community Development and shall be established; and, the owner shall request approval from the Planning Commission for reconsideration of an additional approval at the end of the six-month period.*

During discussion, Mr. Sandefur asked if the motion should include the hours of operation for Friday and Saturday.

An Amended Motion was made by Mr. Kirby and **Seconded** by Ms. Bergin *to approve Eastern Shore Street Eats i.e., a food truck, for a period of six months, March 26, 2020 to September 26, 2020, with the following conditions: the hours of operation shall be from 10 a.m. to 2:30 p.m. and on Friday and Saturday from 4 p.m. to dusk; prior to commencement of the business, a sketch plan with the site layout shall be provided to and approved by Community Development; a landscape buffer along the western property line shall be approved by Community Development and shall be established; and, the owner shall request approval from the Planning Commission for reconsideration of an additional approval at the end of the six-month period. There was no further discussion on the motion. The Motion carried unanimously.*

The next order of business is public participation.

Chairman asked for public participation.

None presented.

The next order of business is the attorney's report.

Mr. Dungan stated no report.

The next order of business is commissioner's comments.

None presented.

The next order of business is director's comments.

Director asked to present the items submitted for our April 23, 2020 agenda. In light of circumstances Covid-19, she wanted to address these administrative requests to avoid having to meet in April.

Chairman consented.

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An introductory presentation was given by Adrienne Jones, Director of Community Development, of a recommendation to accept the streets and right-of-ways in Winged Foot Subdivision, Phase 3; she stated all appropriate documentation, and the final plat has been presented.

Chairman asked for Commission questions or comments and a motion.

A **Motion** was made by Mr. Kirby and **Seconded** by Ms. Bergin **to set forth a favorable recommendation to the City Council to accept the streets and rights-of-ways in Winged Foot Subdivision, Phase 3. There was no discussion on the motion. The Motion carried unanimously.**

Ms. Jones gave an introductory presentation requesting approval of a one-year extension of the preliminary plat for South Branch Subdivision, Phase One, set to expire on May 8, 2020. All documents have been provided and permit remain active.

Chairman asked for Commission questions or comments and a motion for approval.

A **Motion** was made by Mr. Prescott and **Seconded** by Mr. Sandefur **to approve a one-year extension of the South Branch Subdivision, Phase One preliminary plat and related site disturbance permit. There was no discussion on the motion. The Motion carried unanimously.**

She advised that there are no meetings in April.

**There being no further business, the meeting was adjourned at 5:48 p.m.**

**Respectfully submitted by:**

  
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Jan Vallecillo, Planning Coordinator

**Approved:** May 28, 2020

  
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Marybeth Bergin, Chairman